



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2670/P1

GMM:...pg

Mon 4/25
NOON if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV

Reyer
cut

1 AN ACT *to repeal* 48.396 (2) (f), 51.01 (14p), 301.01 (3p), 301.08 (1) (b) 4., 938.02
2 (15p), 938.18 (1) (b), 938.357 (4) (d), 938.396 (1m) (d) and 938.396 (6); *to*
3 *renumber* 938.263 (2) (title), 938.396 (1b), 938.396 (1d), 938.396 (1r), 938.396
4 (1t), 938.396 (1x), 938.396 (2) (ag), 938.396 (2) (am), 938.396 (2) (c), 938.396 (2)
5 (d), 938.396 (2) (dm), 938.396 (2) (dr), 938.396 (2) (e), 938.396 (2) (fm), 938.396
6 (2) (g), 938.396 (2) (gm), 938.396 (2) (h), 938.396 (2) (i), 938.396 (5) (a) 1. to 5.,
7 938.396 (5) (c) (intro.), 1 and 2. and 938.396 (5) (d) and (e); *to renumber and*
8 *amend* 16.99 (3r), 48.02 (16), 51.01 (14m), 165.85 (2) (e), 165.85 (2) (f), 301.01
9 (3m), 938.02 (15m), 938.02 (16), 938.06 (5), 938.17 (2) (d), 938.18 (1) (a) (intro.),
10 938.183 (2), 938.20 (8), 938.21 (7), 938.243 (1m), 938.245 (1), 938.273 (1),
11 938.275 (2) (a), 938.29 (1g), 938.295 (1), 938.295 (2) (b), 938.299 (1) (ar), 938.30
12 (4m), 938.30 (5) (e) 1., 938.315 (1) (a), 938.315 (1) (b), 938.315 (1) (c), 938.315
13 (1) (d), 938.315 (1) (dm), 938.315 (1) (e), 938.315 (1) (f), 938.315 (1) (fm), 938.315
14 (1) (h), 938.315 (1) (i), 938.32 (1) (b) 1., 938.32 (1) (c) 1., 938.335 (3g), 938.335
15 (3m) (a), 938.355 (6) (a), 938.396 (1), 938.396 (1g), 938.396 (1m) (a), 938.396

(1m) (am), 938.396 (1m) (ar), 938.396 (1m) (b), 938.396 (1m) (c), 938.396 (1p), 938.396 (2) (a), 938.396 (2) (b), 938.396 (2) (em), 938.396 (2) (f), 938.396 (2) (j), 938.396 (2m) (a), 938.396 (2m) (b), 938.396 (5) (a) (intro.), 938.396 (5) (b), 938.396 (5) (bm), 938.396 (5) (c) 3., 938.396 (7) (a), 938.396 (7) (am), 938.396 (7) (ar), 938.396 (7) (b), 938.396 (7) (bm), 938.396 (7) (c), 938.396 (8), 938.396 (9) and 938.49 (2); **to consolidate, renumber and amend** 938.50 (1) and (2); **to amend** 16.27 (7), 16.51 (7), 16.971 (13), 16.99 (2g), 16.997 (2) (b) and (f), 19.35 (1) (am) 2. c., 20.410 (3) (c) and (jv), 20.505 (4) (tw) (title), 46.057 (1), 46.22 (1) (c) 1. b., 46.22 (1) (c) 1. c., 48.067 (2), 48.208 (title) and (intro.), 48.209 (intro.), (1) (intro.) and (a) and (2), 48.23 (1m) (a), 48.236 (4) (a), 48.366 (1) (a) and (b), 48.366 (8), 48.38 (2) (intro.) and (g) and (3), 48.396 (1), 48.66 (1) (b) and (c), 48.66 (2m) (am) 1. and (bm), 48.715 (6), 48.78 (2) (b), 48.981 (1) (b), 49.35 (1) (b), 50.39 (3), 51.01 (14k), 51.05 (2), 51.30 (4) (b) 9., 51.30 (5) (d), 51.35 (3) (a) and (c), 51.35 (3) (e) and (g), 59.24, 77.52 (2) (a) 10., 101.123 (1) (bg), 101.123 (1) (j), (2) (br), (3) (gg) and (4) (a) 2., 115.31 (1) (b), 115.76 (10), 115.81 (1) (b), 118.125 (1) (a), 118.125 (2) (cg), 118.125 (2) (d), 118.125 (2) (e), 118.125 (2) (L), 118.125 (3), 118.125 (4), 118.125 (5) (b), 118.125 (7), 118.127 (1), 118.127 (2), 118.15 (1) (cm) 1., 118.15 (5) (b) 2., 146.82 (2) (a) 18m., 157.065 (2) (a) 4. c., 165.55 (15), 165.76 (1) (a) and (2) (b) 2., 165.76 (2) (b) 5., 165.85 (3) (d), 175.35 (1) (ag), 230.36 (1m) (b) 3., 230.36 (2m) (a) 20., 252.15 (1) (ab) and (2) (a) 7. a., 252.15 (5) (a) 19., 301.01 (2) (b), 301.01 (3k), 301.01 (4), 301.027, 301.03 (10) (d), (e) and (f), 301.032 (1) (b), 301.08 (1) (b) 3., 301.19 (1) (b), 301.205, 301.26 (2) (c), 301.26 (4) (cm) 1. and 2., 301.26 (4) (d) 2. and 3., 301.26 (7) (b) 3., 301.263 (3), 301.36 (1), 301.37 (1), 301.37 (5), 301.45 (1g) (b) and (bm), (3) (a) 2. and (5) (a) 2., 301.45 (6) (c) and (d), 302.11 (10), 302.18 (7), 302.255, 302.386 (1), (2) (intro.), (3) (a),

(5) (c) and (d), 938.01 (2) (f), 938.01 (2) (g), 938.02 (5), 938.02 (7), 938.02 (15d), 938.02 (15g), 938.02 (19), 938.02 (19r), 938.02 (20), 938.028, 938.03 (title), 938.03 (1), 938.03 (2), 938.06 (1) (a), 938.06 (1) (am) and (b), 938.06 (2) and (3), 938.067 (intro.), 938.067 (2) and (3), 938.067 (5), 938.067 (7), 938.067 (9), 938.069 (1) (intro.), (c), (dj) and (e), 938.07 (2) and (3), 938.08 (1) and (2), 938.08 (3), 938.09 (1) to (6), 938.10, 938.12, 938.125 (intro.) and (2), 938.13, 938.135, 938.15, 938.17 (1) (title), (intro.) and (c), 938.17 (2) (a) 2. d. and 3., 938.17 (2) (b) to (cm), 938.17 (2) (h) 1. and 2., 938.17 (2) (i) 1., 2m. and 3g., 938.18 (2), 938.18 (3) (a), (b) and (c), 938.18 (4) (a) and (b), 938.18 (5) (a), 938.18 (5) (b), 938.18 (6), 938.183 (1) (a) and (am), 938.183 (1m) (intro.) and (c) 1. and 2., 938.183 (3), 938.185 (2), 938.19 (1) (b) and (c), 938.19 (1) (d) 1., 6. and 7., 938.19 (1m) and (2), 938.20 (2) (cm), (d) and (f) 2., 938.20 (3), 938.20 (5), 938.20 (7) (a) and (b), 938.20 (7) (c) 1., 1m. and 2., 938.205, 938.207 (1) (c), (cm) and (f) and (2), 938.208 (1) (intro.) and (2), 938.208 (3), (4) and (5), 938.209 (1) (a) 5., 938.209 (1) (b), 938.21 (1), 938.21 (2) (b), (c) and (d), 938.21 (3) (b), (d) and (e), 938.21 (4) (intro.), 938.21 (4) (a) and (4m), 938.21 (5) (b) 1. and 3., 938.21 (5) (c) and (d) 1., 938.21 (6), 938.22 (title), 938.22 (1) (a), (b) and (c), 938.22 (2) (a) and (b), 938.22 (3), 938.22 (7) (a) and (b), 938.222 (1), 938.222 (2) (a) 1. and 2., 938.223 (2) (a) 1. and 2., 938.223 (3), 938.224 (1), 938.23 (1g) and (1m) (a), (am) and (b) 2., 938.23 (3), (4) and (5), 938.235 (3) (a) and (b) (intro.), 938.235 (7) and (8) (a) and (b), 938.24 (1), 938.24 (2) and (2m), 938.24 (4) and (5), 938.24 (6) and (7), 938.243 (1) (intro.), (am), (c) and (h), 938.243 (3), 938.245 (1m), 938.245 (2) (a) 2., 3. and 4., 938.245 (2) (a) 5. a., am. and c., 938.245 (2) (a) 7., 938.245 (2) (a) 8. c., 938.245 (2g) to (4), 938.245 (6) to (9), 938.25 (1) to (2m), 938.25 (3), 938.255 (1) (intro.) (c) and (cm), 938.255 (1) (e), 938.255 (3), 938.265, 938.27 (3) (a) 1., 938.27 (4m),

(5) and (6), 938.275 (1) (c), 938.275 (2) (b) and (c), 938.275 (2) (cg) 3., 938.28, 938.29 (1), 938.29 (1m), 938.293 (1), 938.293 (3), 938.295 (1c) (intro.), 938.295 (1g), 938.295 (2) (a), 938.295 (3), 938.296 (2m) (b), 938.2965 (2), 938.297 (2) to (4), 938.299 (1) (am), 938.299 (1) (b), 938.299 (4) (b) and (5), 938.299 (9) (a) and (b), 938.30 (2), 938.30 (4) (a), (bm) and (c), 938.30 (5) (a) 2., (c) (intro.) and (d) (intro.), 938.30 (6) (b) and (c) and (7), 938.30 (8) (b) and (9), 938.31 (7), 938.315 (1) (intro.), 938.32 (1) (a) and (am), 938.32 (1) (b) 1m., 938.32 (1) (b) 2., 938.32 (1) (c) 2., 938.32 (1) (c) 3. and (d), 938.32 (1d), 938.32 (1g) (intro.) and (b), 938.32 (1m) (intro.), (a) and (c), 938.32 (1r), 938.32 (1p), 938.32 (1t) (a) 1., 1m. and 3. and (b), 938.32 (1v) and (1x), 938.32 (2) (a), (3) and (4), 938.32 (5) (a) and (6), 938.33 (1) (intro.), (b), (c) and (f), 938.33 (3) (intro.) and (a), 938.33 (3r), 938.33 (4m) (intro.), 938.335 (1), 938.335 (3m) (am), 938.335 (3m) (b), 938.34 (2) (a) and (b), 938.34 (2g) (intro.) and (a), 938.34 (2m) (a) and (c), 938.34 (3) (a), (b) and (e), 938.34 (4d), 938.34 (4h) (a) and (b), 938.34 (4m) (intro.), (a) and (b) (intro.), 938.34 (4n) (intro.) and (b), 938.34 (5) (a), (am) and (c), 938.34 (5g) (b), 938.34 (6) (am) 1. and 2., 938.34 (6r) (a) and (b) and (6s), 938.34 (7d) (a) 2., 3. and 4., 938.34 (8), 938.34 (8d) (c) and (d), 938.34 (13r), (13t), (14d) and (14q), 938.34 (14r) (a), 938.34 (15) (b), 938.34 (16), 938.342 (1d) (intro.), 938.342 (1g) (intro.) and (b), 938.342 (1g) (f) 1. and 2., 938.342 (1m), (1r) and (2), 938.343 (2), 938.343 (2m) (a), 938.343 (2m) (b), 938.343 (4), (5), (6) and (7), 938.343 (8), 938.343 (9), 938.344 (2) (a), (b) and (c), 938.344 (2b) (a), (b) and (c), 938.344 (2d) (a), (b) and (c), 938.344 (2e) (a) 1., 2. and 3. and (b) and (c), 938.344 (2g) (a) 1. and 4. a. and b. and (d), 938.345 (1) (intro.), (a), (d), (e) and (g), 938.345 (2), 938.345 (3) (a) (intro.) and (c), 938.346 (1) (a), 938.346 (1) (b), 938.346 (1) (d) 2., 938.346 (1m) and (2), 938.35 (1m) and (2), 938.355 (1), 938.355 (2) (b) 1., 1m., 4m., 5., 6. and

1 6r., 938.355 (2c) (a) (intro.) and (b), 938.355 (2d) (a) 1. and (b) 1., 2., 3. and 4.,
2 938.355 (2d) (c) 1., 938.355 (2e) (b), 938.355 (2m), 938.355 (3) (a) and (b) 1. and
3 1m., 938.355 (3m) and (4), 938.355 (4m), 938.355 (6) (an), 938.355 (6) (b),
4 938.355 (6) (cm), 938.355 (6d) (a) 1. and 2. and (b) 1. and 2., 938.355 (6d) (c) 1.
5 and 2. and (d), 938.355 (6g) (a) and (b) (intro.), 938.355 (6m) (a) (intro.), (ag) and
6 (am), 938.355 (6m) (cm), 938.355 (7), 938.357 (1) (am) 1. and 3., 938.357 (1) (c)
7 and (2), 938.357 (2m) and (2r), 938.357 (2v) (a) 1., 2. and 3. and (b), 938.357 (2v)
8 (c) 1., 938.357 (3), 938.357 (4) (a) and (b) 1., 2. and 3., 938.357 (4) (c) 1., 2. and
9 3., 938.357 (4d) (a) and (am), 938.357 (4g) (a), (b), (c) (intro.) and (d), 938.357
10 (5) (a), (c), (d), (e) and (f), 938.357 (5m) (a) and (b), 938.357 (6), 938.36 (1) (b),
11 938.36 (2), 938.361 (2) (a) 2., 938.361 (2) (am), (b) and (c), 938.362 (3) and (4) (a),
12 938.363, 938.364, 938.365 (1) and (1m), 938.365 (2) (intro.), 938.365 (2g) (b) 2.
13 and (c), 938.365 (2m) (a), (ad) 1. and (ag), 938.365 (5) and (6), 938.368 (2) (intro.),
14 938.371, 938.373 (1), 938.38 (2) (intro.), (3) (a) and (b), (4) (ar) and (h) (intro.),
15 938.38 (5) (a), 938.39, 938.44, 938.45 (1), 938.45 (1m) (a), (1r), (2) and (3), 938.48
16 (1), 938.48 (2), 938.48 (3) and (4), 938.48 (4m) (d), (5) and (6), 938.48 (14) and
17 (16), 938.49 (1), 938.505 (2), 938.51 (1) (intro.), 938.51 (1m), 938.51 (2), 938.51
18 (4) (intro.), 938.52 (1) (d), (2) and (4), 938.53, 938.533, 938.534 (1) (a) and (b) 1.,
19 2., 3. and 4., 938.534 (1) (c) and (d) and (2), 938.535, 938.538 (3) (a) 1., 1m., 1p.
20 and 2., 938.538 (4), (5) (b) and (c), (6) and (6m) (b), 938.539, 938.539 (2) to (5),
21 938.57 (1) (b), (c), (cm), (d) and (2), 938.57 (4), 938.59 (1), 938.78 (2) (a), (ag) and
22 (am), 938.78 (2) (b) 1. and (3), 938.795 (1) to (4), 938.992 (3), 940.225 (5) (ab),
23 946.42 (1) (a), 946.44 (2) (c) and (d), 946.45 (2) (c) and (d), 948.50 (4) (b), 968.255
24 (7) (b), 970.032 (1), 973.013 (3m), 976.08, 980.015 (2) (b), 980.02 (1) (b) 2., (2)
25 (ag), (4) (am) and (b) and 980.04 (1); and *to create* 938.01 (1) (title) and (2)

(title), 938.067 (1) (title), 938.067 (4) (title), 938.067 (6) (title), (6g) (title) and (6m) (title), 938.067 (8) (title) and (8m) (title), 938.069 (2) (title), (3) (title) and (4) (title), 938.17 (2) (a) (title), 938.17 (2) (e) (title), (f) (title) and (g) (title), 938.17 (2) (h) (title), 938.17 (2) (i) (title), 938.18 (2m) (title), 938.18 (3) (title) and (intro.), 938.18 (5) (title), 938.18 (5) (am), 938.18 (7) (title), (8) (title) and (9) (title), 938.183 (1) (title), 938.183 (4) (title), 938.185 (1) (title), 938.185 (3) (title) and (4) (title), 938.19 (1) (title), 938.19 (3) (title), 938.20 (2) (title), 938.20 (4) (title), 938.20 (6) (title) and (7) (title), 938.20 (8) (c), 938.207 (1) (title), 938.208 (6) (title), 938.209 (1) (title), 938.209 (2m) (title) and (3) (title), 938.22 (1) (title), 938.22 (2) (title), 938.22 (3) (title), 938.22 (5) (title) and (7) (title), 938.222 (2) (title), 938.223 (1) (title), 938.223 (2) (title), 938.224 (2) (title), (3) (title) and (4) (title), 938.237 (1) (title), (2) (title) and (3) (title), 938.24 (1m) (title), 938.24 (2r) (title), and (3) (title), 938.24 (5m) (title), 938.243 (4) (title), 938.245 (2) (title), (2) (a) (title) and (2) (a) 1. (title), 938.245 (2) (a) 6. (title), 938.245 (2) (a) 8. (title), 938.245 (2) (a) 9m. (title), (b) (title) and (c) (title), 938.245 (5) (title), 938.25 (4) (title), (5) (title) and (6) (title), 938.255 (2) (title), 938.255 (4) (title), 938.263 (1) (title), 938.27 (1) (title), (2) (title) and (3) (title), 938.27 (4) (title), 938.27 (7) (title) and (8) (title), 938.273 (2) (title) and (3) (title), 938.275 (1) (title) and (2) (title), 938.29 (2) (title), 938.293 (2) (title), 938.295 (4) (title), 938.296 (1) (title) and (2) (title), 938.296 (2m) (title), 938.296 (3) (title), (4) (title), (5) (title) and (6) (title), 938.2965 (1) (title), 938.297 (1) (title), 938.297 (5) (title), (6) (title) and (7) (title), 938.299 (1) (title), 938.299 (4) (title), 938.299 (6) (title), (7) (title), (8) (title) and (9) (title), 938.30 (1) (title), 938.30 (3) (title) and (4) (title), 938.30 (5) (title), 938.30 (6) (title), 938.30 (8) (title), 938.30 (10) (title), 938.31 (1) (title), (2) (title) and (4) (title), 938.315 (2) (title), (2m) (title) and (3) (title), 938.32 (1)

(title), 938.32 (2) (title), 938.32 (5) (title), 938.335 (3) (title), 938.335 (3m) (title), 938.335 (3r) (title), (4) (title) and (5) (title), 938.343 (1) (title), 938.343 (2m) (title), 938.343 (3) (title) and (3m) (title), 938.343 (10) (title), 938.344 (2) (title), 938.344 (2b) (title), 938.344 (2d) (title), 938.344 (2e) (title), 938.344 (2g) (title), 938.344 (2m) (title) and (3) (title), 938.345 (3) (title), 938.346 (1) (title), 938.346 (3) (title), (4) (title) and (5) (title), 938.35 (1) (title), 938.355 (6) (d) (title) and (e) (title), 938.355 (6m) (b) (title), 938.355 (6m) (c) (title), 938.356 (1) (title) and (2) (title), 938.357 (1) (title) and (a) (title), 938.357 (1) (am) (title), 938.357 (2v) (title) and (a) (title), 938.357 (2v) (c) (title), 938.357 (4m) (title) and (5) (title), 938.357 (5m) (title), 938.36 (1) (title), 938.36 (3) (title), 938.361 (1) (title) and (2) (title), 938.362 (1) (title) and (2) (title), 938.365 (2) (title) and (2g) (title), 938.365 (2m) (title), 938.365 (3) (title) and (4) (title), 938.365 (7) (title), 938.368 (1) (title), 938.37 (1) (title) and (3) (title), 938.373 (2) (title), 938.396 (1) (title), 938.396 (1) (b) 5., 938.396 (1) (c) (intro.), 938.396 (1j) (title), 938.396 (2g) (intro.), 938.396 (2g) (ag) (title), 938.396 (2g) (am) (title), 938.396 (2g) (c) (title), 938.396 (2g) (d) (title), 938.396 (2g) (dm) (title), 938.396 (2g) (dr) (title), 938.396 (2g) (e) (title), 938.396 (2g) (fm) (title), 938.396 (2g) (g) (title), 938.396 (2g) (gm) (title), 938.396 (2g) (h) (title), 938.396 (2g) (i) (title), 938.396 (2g) (m) (title), 938.396 (3) (title), 938.396 (4) (title), 938.45 (1m) (title), 938.48 (4m) (title), 938.48 (13) (title), 938.505 (1) (title), 938.51 (1d) (title) and (1g) (title), 938.51 (1r) (title), 938.51 (3) (title), 938.539 (6) (title), 938.549 (1) (title), (2) (title) and (3) (title), 938.57 (1) (title), 938.57 (3) (title), 938.59 (2) (title) and 938.78 (1) (title) and (2) (title) of the statutes; **relating to:** ~~general provisions; organization of the court; jurisdiction; holding a juvenile in custody; procedure; disposition; permanency planning; jurisdiction over persons 17 years of age or older; authority of the~~

1 department of corrections; county juvenile welfare services; general provisions
 2 on juvenile records; community services; prohibition on transferring to an adult
 3 prison a juvenile who has been adjudicated delinquent; and the confidentiality
 4 of juvenile records.

reorganizing, making nonsubstantive editorial changes, to,
 revising and creating titles in, clarifying ambiguous
 language in, and making minor substantive changes
 to the Juvenile Justice Code

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This ~~draft~~^{stats.} was prepared for the joint legislative council's special committee on the recodification of ch. 938, the juvenile justice code.

The special committee is directed to recodify ch. 938, ~~relating to~~^{stats.} the juvenile justice code. The special committee is instructed that the recodification may include a study of the possible reorganization of certain parts of the chapter to fit in a logical manner with the rest of the chapter, renumbering and retitling of certain sections and subsections, consolidating related provisions, modernizing language, resolving ambiguities in language, codifying court decisions, and making minor substantive changes.

The ~~draft~~:

1. Reorganizes individual sections, or portions of sections, in ch. 938 by combining them with other sections, dividing single sections into 2 or more sections, and internally reorganizing single sections.
2. Makes nonsubstantive editorial changes to modernize language and for consistency with current drafting style.
3. Revises section titles, where appropriate, and provides for subsection titles throughout the chapter.
4. Clarifies ambiguous language.
5. Makes substantive changes the special committee concluded are relatively noncontroversial.

The special committee explicitly intends that, unless expressly noted, the ~~draft~~ makes no substantive changes in the statutory provisions treated by the ~~draft~~. Substantive changes in the ~~draft~~ are identified by notes to the provisions substantively affected. If a question arises about the effect of any modification made by this ~~draft~~, the special committee intends that the revisions in the ~~draft~~ be construed to have the same effect as the prior statutes.

SECTION 1. 16.27 (7) of the statutes is amended to read:

16.27 (7) INDIVIDUALS IN STATE PRISONS OR SECURED JUVENILE FACILITIES. No payment under sub. (6) may be made to a prisoner who is imprisoned in a state prison

④ This bill is explained in the
 ⑤ NOTES provided by the Joint
 Legislative Council in the bill.
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under s. 302.01 or to a person placed at a secured juvenile correctional facility, as
defined in s. 938.02 (15m) (10p) or a secured child caring institution residential care
center for children and youth, as defined in s. 938.02 (15g), or a secured group home,
as defined in s. 938.02 (15p).

NOTE: See the notes to s. 938.02 (15g), (15m) (renumbered to (10p)) and (15p) in
this draft.

SECTION 2. 16.51 (7) of the statutes is amended to read:

16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND
JUVENILES IN SECURED JUVENILE CORRECTIONAL FACILITIES. Receive, examine,
determine, and audit claims, duly certified and approved by the department of
corrections, from the county clerk of any county in behalf of the county, which are
presented for payment to reimburse the county for certain expenses incurred or paid
by it in reference to all matters growing out of actions and proceedings involving
prisoners in state prisons, as defined in s. 302.01, or juveniles in secured juvenile
correctional facilities, as defined in s. 938.02 (15m) (10p), including prisoners or
juveniles transferred to a mental health institute for observation or treatment, when
the proceedings are commenced in counties in which the prisons or secured juvenile
correctional facilities are located by a district attorney or by the prisoner or juvenile
as a postconviction remedy or a matter involving the prisoner's status as a prisoner
or the juvenile's status as a resident of a secured juvenile correctional facility and for
certain expenses incurred or paid by it in reference to holding those juveniles in
secure custody while those actions or proceedings are pending. Expenses shall only
include the amounts that were necessarily incurred and actually paid and shall be
no more than the legitimate cost would be to any other county had the offense or
crime occurred therein.

1 **SECTION 3.** 16.971 (13) of the statutes is amended to read:

2 16.971 (13) Provide secured juvenile correctional facilities, school districts,
3 and cooperative educational service agencies with telecommunications access under
4 s. 16.997 and contract with telecommunications providers to provide that access.

5 **SECTION 4.** 16.99 (2g) of the statutes is amended to read:

6 16.99 (2g) "Educational agency" means a school district, charter school
7 sponsor, secured juvenile correctional facility, private school, cooperative
8 educational service agency, technical college district, private college, public library
9 system, public library board, public museum, the Wisconsin Center for the Blind and
10 Visually Impaired, or the Wisconsin Educational Services Program for the Deaf and
11 Hard of Hearing.

12 **SECTION 5.** 16.99 (3r) of the statutes is renumbered 16.99 (3b) and amended to
13 read:

14 16.99 (3b) "Secured Juvenile correctional facility" means the Southern Oaks
15 Girls School, the Ethan Allen School, ~~the Youth Leadership Training Center~~, and the
16 Lincoln Hills School.

NOTE: Deletes reference to the youth leadership training center because the center
no longer exists.

17 **SECTION 6.** 16.997 (2) (b) and (f) of the statutes are amended to read:

18 16.997 (2) (b) Establish eligibility requirements for an educational agency to
19 participate in the program established under sub. (1), including a requirement that
20 a charter school sponsor use data lines and video links to benefit pupils attending the
21 charter school and a requirement that Internet access to material that is harmful to
22 children, as defined in s. 948.11 (1) (b), is blocked on the computers of secured

1 juvenile correctional facilities that are served by data links and video links
2 subsidized under this section.

3 (f) Ensure that ~~secured~~ juvenile correctional facilities that receive access under
4 this section to data lines and video links use them only for educational purposes.

5 **SECTION 7.** 19.35 (1) (am) 2. c. of the statutes is amended to read:

6 19.35 (1) (am) 2. c. Endanger the security, including the security of the
7 population or staff, of any state prison under s. 302.01, jail, as defined in s. 165.85
8 (2) (bg), ~~secured~~ juvenile correctional facility, as defined in s. 938.02 (15m) (10p),
9 ~~secured child-caring institution~~ residential care center for children and youth, as
10 defined in s. 938.02 (15g), ~~secured group home~~, as defined in s. 938.02 (15p), mental
11 health institute, as defined in s. 51.01 (12), center for the developmentally disabled,
12 as defined in s. 51.01 (3), or facility, specified under s. 980.065, for the institutional
13 care of sexually violent persons.

14 **SECTION 8.** 20.410 (3) (c) and (jv) of the statutes are amended to read:

15 20.410 (3) (c) *Reimbursement claims of counties containing ~~secured~~ juvenile*
16 *correctional facilities.* The amounts in the schedule to pay all valid claims made by
17 county clerks of counties containing state juvenile correctional ~~institutions~~ facilities
18 as provided in s. 16.51 (7).

19 (jv) *Secure detention services.* All moneys received from counties under s.
20 938.224 (3) (a) for holding juveniles in secure custody in ~~secured~~ juvenile correctional
21 facilities under s. 938.224 (1). (title)

22 **SECTION 9.** 20.505 (4) (tw) (title) of the statutes is amended to read:

23 20.505 (4) (tw) *Telecommunications access; ~~secured~~ juvenile correctional*
24 *facilities.*

25 **SECTION 10.** 46.057 (1) of the statutes is amended to read:

① 46.057 (1) The department shall establish, maintain and operate the Mendota
2 juvenile treatment center on the grounds of the Mendota Mental Health Institute.
3 The department may designate staff at the Mendota Mental Health Institute as
4 responsible for administering, and providing services at, the center.
5 Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the
6 Mendota juvenile treatment center as a secured juvenile correctional facility, as
7 defined in s. 938.02 (~~15m~~) (10p). The center shall not be considered a hospital, as
8 defined in s. 50.33 (2), an inpatient facility, as defined in s. 51.01 (10), a state
9 treatment facility, as defined in s. 51.01 (15), or a treatment facility, as defined in s.
10 51.01 (19). The center shall provide psychological and psychiatric evaluations and
11 treatment for juveniles whose behavior presents a serious problem to themselves or
12 others in other secured juvenile correctional facilities and whose mental health
13 needs can be met at the center. With the approval of the department of health and
14 family services, the department of corrections may transfer to the center any juvenile
15 who has been placed in a secured juvenile correctional facility under the supervision
16 of the department of corrections under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4)
17 or (5) (e) in the same manner that the department of corrections transfers juveniles
18 between other secured juvenile correctional facilities.

19 SECTION 11. 46.22 (1) (c) 1. b. of the statutes is amended to read:

20 46.22 (1) (c) 1. b. 'State institutions.' The Mendota Mental Health Institute,
21 the Winnebago Mental Health Institute, centers for the developmentally disabled,
22 and Type 1 secured juvenile correctional facilities, as defined in s. 938.02 (19).

23 SECTION 12. 46.22 (1) (c) 1. c. of the statutes is amended to read:

1 46.22 (1) (c) 1. c. 'Other institution.' University of Wisconsin Hospitals and
2 Clinics and secured ~~child-caring institutions~~ residential care centers for children and
3 youth, as defined in s. 938.02 (15g).

4 **SECTION 13.** 48.02 (16) of the statutes is renumbered 48.02 (10r) and amended
5 to read:

6 48.02 (10r) "~~Secure~~ Juvenile detention facility" means a locked facility
7 approved by the department of corrections under s. 301.36 for the secure, temporary
8 holding in custody of children.

9 **SECTION 14.** 48.067 (2) of the statutes is amended to read:

10 48.067 (2) Interview, unless impossible, any child or expectant mother of an
11 unborn child who is taken into physical custody and not released, and when
12 appropriate interview other available concerned parties. If the child cannot be
13 interviewed, the intake worker shall consult with the child's parent or a responsible
14 adult. If an adult expectant mother of an unborn child cannot be interviewed, the
15 intake worker shall consult with an adult relative or friend of the adult expectant
16 mother. No child may be placed in a ~~secure~~ juvenile detention facility unless the child
17 has been interviewed in person by an intake worker, except that if the intake worker
18 is in a place which is distant from the place where the child is or the hour is
19 unreasonable, as defined by written court intake rules, and if the child meets the
20 criteria under s. 48.208, the intake worker, after consulting by telephone with the
21 law enforcement officer who took the child into custody, may authorize the secure
22 holding of the child while the intake worker is en route to the in-person interview
23 or until 8 a.m. of the morning after the night on which the child was taken into
24 custody.

25 **SECTION 15.** 48.208 (title) and (intro.) of the statutes ~~are~~ ^{is} amended to read:

1 **48.208 Criteria for holding a child in a secure juvenile detention**
2 **facility.** (intro.) A child may be held in a secure juvenile detention facility if the
3 intake worker determines that one of the following conditions applies:

4 **SECTION 16.** 48.209 (intro.), (1) (intro.) and (a) and (2) of the statutes are
5 amended to read:

6 **48.209 Criteria for holding a child in a county jail.** (intro.) Subject to the
7 provisions of s. 48.208, a county jail may be used as a secure juvenile detention
8 facility if the criteria under either sub. (1) or (2) are met:

9 **(1)** (intro.) There is no other secure juvenile detention facility approved by the
10 department of corrections or a county which is available and:

11 (a) The jail meets the standards for secure juvenile detention facilities
12 established by the department of corrections;

13 **(2)** The child presents a substantial risk of physical harm to other persons in
14 the secure juvenile detention facility, as evidenced by previous acts or attempts,
15 which can only be avoided by transfer to the jail. The ~~provisions~~ conditions of sub.
16 (1) (a) to (e) shall be met. The child shall be given a hearing and transferred only upon
17 order of the judge.

18 **SECTION 17.** 48.23 (1m) (a) of the statutes is amended to read:

19 **48.23 (1m)** (a) Any child held in a secure juvenile detention facility shall be
20 represented by counsel at all stages of the proceedings, but a child 15 years of age or
21 older may waive counsel if the court is satisfied that the waiver is knowingly and
22 voluntarily made and the court accepts the waiver.

23 **SECTION 18.** 48.236 (4) (a) of the statutes is amended to read:

24 **48.236 (4)** (a) Inspect any reports and records relating to the child who is the
25 subject of the proceeding, the child's family, and any other person residing in the

1 same home as the child that are relevant to the subject matter of the proceeding,
2 including records discoverable under s. 48.293, examination reports under s. 48.295
3 (2), law enforcement reports and records under ss. 48.396 (1) and 938.396 (1) (a),
4 court records under ss. 48.396 (2) (a) and 938.396 (2) ~~(a)~~, social welfare agency
5 records under ss. 48.78 (2) (a) and 938.78 (2) (a), abuse and neglect reports and
6 records under s. 48.981 (7) (a) 11r., and pupil records under s. 118.125 (2) (L). The
7 order shall also require the custodian of any report or record specified in this
8 paragraph to permit the court-appointed special advocate to inspect the report or
9 record on presentation by the court-appointed special advocate of a copy of the order.
10 A court-appointed special advocate that obtains access to a report or record
11 described in this paragraph shall keep the information contained in the report or
12 record confidential and may disclose that information only to the court. If a
13 court-appointed special advocate discloses any information to the court under this
14 paragraph, the court-appointed special advocate shall also disclose that information
15 to all parties to the proceeding. If a court-appointed special advocate discloses
16 information in violation of the confidentiality requirement specified in this
17 paragraph, the court-appointed special advocate is liable to any person damaged as
18 a result of that disclosure for such damages as may be proved and, notwithstanding
19 s. 814.04 (1), for such costs and reasonable actual attorney fees as may be incurred
20 by the person damaged.

21 **SECTION 19.** 48.366 (1) (a) and (b) of the statutes are amended to read:

22 48.366 (1) (a) Subject to par. (c), if the person committed any crime specified
23 under s. 940.01, 940.02, 940.05, 940.21, 940.225 (1) (a) to (c), 948.03 or 948.04, is
24 adjudged delinquent on that basis and is placed in a ~~secured~~ juvenile correctional

1 facility under s. 48.34 (4m), 1993 stats., the court shall enter an order extending its
2 jurisdiction as follows:

3 (b) Subject to par. (c), if the person committed a crime specified in s. 940.20 (1)
4 or 946.43 while placed in a secured juvenile correctional facility and is adjudged
5 delinquent on that basis following transfer of jurisdiction under s. 970.032, the court
6 shall enter an order extending its jurisdiction until the person reaches 21 years of
7 age or until termination of the order under sub. (6), whichever occurs earlier.

8 **SECTION 20.** 48.366 (8) of the statutes is amended to read:

9 48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of corrections
10 may transfer a person subject to an order between secured juvenile correctional
11 facilities. After the person attains the age of 17 years, the department of corrections
12 may place the person in a state prison named in s. 302.01, except that the department
13 of corrections may not place any person under the age of 18 years in the correctional
14 institution authorized in s. 301.16 (1n). ~~If the person is 15 years of age or over, the~~
15 ~~department of corrections may transfer the person to the Racine youthful offender~~
16 ~~correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).~~ If the
17 department of corrections places a person subject to an order under this section in
18 a state prison, that department shall provide services for that person from the
19 appropriate appropriation under s. 20.410 (1). The department of corrections may
20 transfer a person placed in a state prison under this subsection to or between state
21 prisons named in s. 302.01 without petitioning for revision of the order under sub.
22 (5) (a), except that the department of corrections may not transfer any person under
23 the age of 18 years to the correctional institution authorized in s. 301.16 (1n).

NOTE: See the ⁽³⁾note to s. 938.357 (4) (d) in this draft.

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1 **SECTION 21.** 48.38 (2) (intro.) and (g) and (3) of the statutes are amended to
2 read:

3 48.38 (2) (intro.) **PERMANENCY PLAN REQUIRED.** Except as provided in sub. (3), for
4 each child living in a foster home, treatment foster home, group home, residential
5 care center for children and youth, ~~secure~~ juvenile detention facility, or shelter care
6 facility, the agency that placed the child or arranged the placement or the agency
7 assigned primary responsibility for providing services to the child under s. 48.355
8 shall prepare a written permanency plan, if any of the following conditions exists,
9 and, for each child living in the home of a relative other than a parent, that agency
10 shall prepare a written permanency plan, if any of the conditions specified in pars.
11 (a) to (e) exists:

12 (g) The child's parent is placed in a foster home, treatment foster home, group
13 home, residential care center for children and youth, ~~secure~~ juvenile detention
14 facility, or shelter care facility and the child is residing with that parent.

15 **(3) TIME.** Subject to s. 48.355 (2d) (c) 1., the agency shall file the permanency
16 plan with the court within 60 days after the date on which the child was first removed
17 from his or her home, except that if the child is held for less than 60 days in a ~~secure~~
18 juvenile detention facility, juvenile portion of a county jail, or a shelter care facility,
19 no permanency plan is required if the child is returned to his or her home within that
20 period.

21 **SECTION 22.** 48.396 (1) of the statutes is amended to read:

22 48.396 (1) Law enforcement officers' records of children shall be kept separate
23 from records of adults. Law enforcement officers' records of the adult expectant
24 mothers of unborn children shall be kept separate from records of other adults. Law
25 enforcement officers' records of children and the adult expectant mothers of unborn

children shall not be open to inspection or their contents disclosed except under sub. (1b), (1d), or (5) or s. 48.293 or by order of the court. This subsection does not apply to the representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news without revealing the identity of the child or adult expectant mother involved, to the confidential exchange of information between the police and officials of the school attended by the child or other law enforcement or social welfare agencies, or to children 10 years of age or older who are subject to the jurisdiction of the court of criminal jurisdiction. A public school official who obtains information under this subsection shall keep the information confidential as required under s. 118.125 and a private school official who obtains information under this subsection shall keep the information confidential in the same manner as is required of a public school official under s. 118.125. A law enforcement agency that obtains information under this subsection shall keep the information confidential as required under this subsection and s. 938.396 (1) (a). A social welfare agency that obtains information under this subsection shall keep the information confidential as required under ss. 48.78 and 938.78.

SECTION 23. 48.396 (2) (f) of the statutes is repealed.

NOTE: Repeals s. 48.396 (2) (f) and places the substance of that provision into s. 938.396 (2) (em) because s. 48.396 (2) (f) is outmoded with the advent of ch. 938 in that ch. 938 covers juveniles who are in need of protection or services based on a delinquent act.

SECTION 24. 48.66 (1) (b) and (c) of the statutes are amended to read:

48.66 (1) (b) Except as provided in s. 48.715 (6), the department of corrections may license a child welfare agency to operate a secured ~~child caring institution~~ residential care center for children and youth, as defined in s. 938.02 (15g), for holding in secure custody juveniles who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h), or (4m) and referred to

1 the child welfare agency by the court or the department of corrections and to provide
2 supervision, care and maintenance for those juveniles. The department of
3 corrections may also license not more than 5 county departments, as defined in s.
4 938.02 (2g), or not more than 5 consortia of county departments to operate not more
5 than 5 group homes that have been licensed under par. (a) as secured group homes,
6 as defined in s. 938.02 (15p), for holding in secure custody juveniles who have been
7 convicted under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4m)
8 and referred to the county department by the court and to provide supervision, care
9 and maintenance for those juveniles.

NOTE: Repeals the last sentence in s. 48.66 (1) (b) to reflect the deletion of
references to secure group homes. See the note to s. 938.02 (15p) in this draft.

10 (c) A license issued under par. (a) or (b), other than a license to operate a foster
11 home, treatment foster home, or secured child caring institution or secured group
12 home residential care center for children and youth, is valid until revoked or
13 suspended. A license issued under this subsection to operate a foster home,
14 treatment foster home, or secured child caring institution or secured group home
15 residential care center for children and youth may be for any term not to exceed 2
16 years from the date of issuance. No license issued under par. (a) or (b) is transferable.

17 **SECTION 25.** 48.66 (2m) (am) 1. and (bm) of the statutes are amended to read:

18 48.66 (2m) (am) 1. Except as provided in subd. 2., the department of corrections
19 shall require each applicant for a license under sub. (1) (b) to operate a secured child
20 caring institution residential care center for children and youth who is an individual
21 to provide that department with the applicant's social security number when
22 initially applying for or applying to renew the license.

1 (bm) If an applicant who is an individual fails to provide the applicant's social
2 security number to the department of corrections, that department may not issue or
3 renew a license under sub. (1) (b) to operate a secured ~~child-caring institution~~
4 residential care center for children and youth to or for the applicant unless the
5 applicant does not have a social security number and the applicant submits a
6 statement made or subscribed under oath or affirmation as required under par. (am)
7 2.

8 **SECTION 26.** 48.715 (6) of the statutes is amended to read:

9 48.715 (6) The department of health and family services shall deny, suspend,
10 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a
11 probationary license under s. 48.69 to operate a child welfare agency, group home,
12 shelter care facility, or day care center, and the department of corrections shall deny,
13 suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1)
14 (b) to operate a secured ~~child-caring institution~~ residential care center for children
15 and youth, for failure of the applicant or licensee to pay court-ordered payments of
16 child or family support, maintenance, birth expenses, medical expenses, or other
17 expenses related to the support of a child or former spouse or for failure of the
18 applicant or licensee to comply, after appropriate notice, with a subpoena or warrant
19 issued by the department of workforce development or a county child support agency
20 under s. 59.53 (5) and related to paternity or child support proceedings, as provided
21 in a memorandum of understanding entered into under s. 49.857. Notwithstanding
22 s. 48.72, an action taken under this subsection is subject to review only as provided
23 in the memorandum of understanding entered into under s. 49.857 and not as
24 provided in s. 48.72.

25 **SECTION 27.** 48.78 (2) (b) of the statutes is amended to read:

1 48.78 (2) (b) Paragraph (a) does not apply to the confidential exchange of
2 information between an agency and another social welfare agency, a law
3 enforcement agency, a public school, or a private school regarding an individual in
4 the care or legal custody of the agency. A social welfare agency that obtains
5 information under this paragraph shall keep the information confidential as
6 required under this section and s. 938.78. A law enforcement agency that obtains
7 information under this paragraph shall keep the information confidential as
8 required under ss. 48.396 (1) and 938.396 (1) (a). A public school that obtains
9 information under this paragraph shall keep the information confidential as
10 required under s. 118.125, and a private school that obtains information under this
11 paragraph shall keep the information confidential in the same manner as is required
12 of a public school under s. 118.125.

13 **SECTION 28.** 48.981 (1) (b) of the statutes is amended to read:

14 48.981 (1) (b) "Community placement" means probation; extended supervision;
15 parole; aftercare; conditional transfer into the community under s. 51.35 (1);
16 conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 ~~child~~
17 ~~earing institution~~ residential care center for children and youth or a Type 2 ~~secured~~
18 juvenile correctional facility authorized under s. 938.539 (5); conditional release
19 under s. 971.17; supervised release under s. 980.06 or 980.08; participation in the
20 community residential confinement program under s. 301.046, the halfway house
21 program under s. 301.0465, the intensive sanctions program under s. 301.048, the
22 corrective sanctions program under s. 938.533, the intensive supervision program
23 under s. 938.534, or the serious juvenile offender program under s. 938.538; or any
24 other placement of an adult or juvenile offender in the community under the custody
25 or supervision of the department of corrections, the department of health and family

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1 services, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 or any
2 other person under contract with the department of corrections, the department of
3 health and family services, or a county department under s. 46.215, 46.22, 46.23,
4 51.42, or 51.437 to exercise custody or supervision over the offender.

5 **SECTION 29.** 49.35 (1) (b) of the statutes is amended to read:

6 49.35 (1) (b) All records of the department and all county records relating to
7 programs under this subchapter and aid under s. 49.18, 1971 stats., s. 49.20, 1971
8 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973, shall be open
9 to inspection at all reasonable hours by authorized representatives of the federal
10 government. Notwithstanding ~~s. ss.~~ 48.396 (2) and 938.396 (2), all county records
11 relating to the administration of the services and public assistance specified in this
12 paragraph shall be open to inspection at all reasonable hours by authorized
13 representatives of the department.

14 **SECTION 30.** 50.39 (3) of the statutes is amended to read:

15 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
16 and 252.10, ~~secured~~ juvenile correctional facilities as defined in s. 938.02 ~~(15m)~~
17 (10p), correctional institutions governed by the department of corrections under s.
18 301.02, and the offices and clinics of persons licensed to treat the sick under chs. 446,
19 447, and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not
20 abridge the rights of the medical examining board, physical therapists affiliated
21 credentialing board, podiatrists affiliated credentialing board, dentistry examining
22 board, pharmacy examining board, chiropractic examining board, and board of
23 nursing in carrying out their statutory duties and responsibilities.

24 **SECTION 31.** 51.01 (14k) of the statutes is amended to read:

1 51.01 (14k) "~~Secured child caring institution~~ residential care center for
2 children and youth" has the meaning given in s. 938.02 (15g).

3 **SECTION 32.** 51.01 (14m) of the statutes is renumbered 51.01 (10m) and
4 amended to read:

5 51.01 (10m) "~~Secured Juvenile~~ correctional facility" has the meaning given in
6 s. 938.02 (15m) (10p).

7 **SECTION 33.** 51.01 (14p) of the statutes is repealed.

NOTE: Deletes the definition of "secured group home" in s. 51.01 (14p). See the note
to s. 938.02 (15p) in this draft.

8 **SECTION 34.** 51.05 (2) of the statutes is amended to read:

9 51.05 (2) ADMISSIONS AUTHORIZED BY COUNTIES. The department may not accept
10 for admission to a mental health institute any resident person, except in an
11 emergency, unless the county department under s. 51.42 in the county where the
12 person has legal residency authorizes the care, as provided in under s. 51.42 (3) (as).
13 Patients who are committed to the department under s. 975.01, 1977 stats., or s.
14 975.02, 1977 stats., or s. 971.14, 971.17, 975.06, or 980.06, admitted by the
15 department under s. 975.17, 1977 stats., or are transferred from a secured juvenile
16 correctional facility, or a secured child caring institution or a secured group home
17 residential care center for children and youth to a state treatment facility under s.
18 51.35 (3) or from a jail or prison to a state treatment facility under s. 51.37 (5) are
19 not subject to this section.

20 **SECTION 35.** 51.30 (4) (b) 9. of the statutes is amended to read:

21 51.30 (4) (b) 9. To a facility which is to receive an individual who is involuntarily
22 committed under this chapter, ch. 48 938, 971, or 975 upon transfer of the individual
23 from one treatment facility to another. Release of records under this subdivision

1 shall be limited to such treatment records as are required by law, a record or
2 summary of all somatic treatments, and a discharge summary. The discharge
3 summary may include a statement of the patient's problem, the treatment goals, the
4 type of treatment which has been provided, and recommendation for future
5 treatment, but it may not include the patient's complete treatment record. The
6 department shall promulgate rules to implement this subdivision.

7 **SECTION 36.** 51.30 (5) (d) of the statutes is amended to read:

8 51.30 (5) (d) *Other juvenile records.* ~~Section 48.78 does~~ Sections 48.78 and
9 938.78 do not apply to records covered by this section.

10 **SECTION 37.** 51.35 (3) (a) and (c) of the statutes are amended to read:

11 51.35 (3) (a) A licensed psychologist of a ~~secured~~ juvenile correctional facility,
12 ~~or a secured child caring institution, or a secured group home~~ residential care center
13 for children and youth, or a licensed physician of the department of corrections, who
14 has reason to believe that any individual confined in the ~~secured~~ juvenile
15 correctional facility, ~~or secured child caring institution, or secured group home~~
16 residential care center for children and youth is, in his or her opinion, in need of
17 services for developmental disability, alcoholism, or drug dependency or in need of
18 psychiatric services, and who has obtained voluntary consent to make a transfer for
19 treatment, shall make a report, in writing, to the superintendent of the ~~secured~~
20 juvenile correctional facility, ~~or secured child caring institution, or secured group~~
21 ~~home~~ residential care center for children and youth, stating the nature and basis of
22 the belief and verifying the consent. In the case of a minor age 14 or older who is in
23 need of services for developmental disability or who is in need of psychiatric services,
24 the minor and the minor's parent or guardian shall consent unless the minor is
25 admitted under s. 51.13 (1) (c) 1. In the case of a minor age 14 or older who is in need

1 of services for alcoholism or drug dependency or a minor under the age of 14 who is
2 in need of services for developmental disability, alcoholism, or drug dependency or
3 in need of psychiatric services, only the minor's parent or guardian need consent
4 unless the minor is admitted under s. 51.13 (1) (c). The superintendent shall inform,
5 orally and in writing, the minor and the minor's parent or guardian, that transfer
6 is being considered and shall inform them of the basis for the request and their rights
7 as provided in s. 51.13 (3). If the department of corrections, upon review of a request
8 for transfer, determines that transfer is appropriate, that department shall
9 immediately notify the department of health and family services and, if the
10 department of health and family services consents, the department of corrections
11 may immediately transfer the individual. The department of health and family
12 services shall file a petition under s. 51.13 (4) (a) in the court assigned to exercise
13 jurisdiction under chs. 48 and 938 of the county where the treatment facility is
14 located.

15 (c) A licensed psychologist of a secured juvenile correctional facility, or a
16 secured child caring institution, or a secured group home, residential care center for
17 children and youth or a licensed physician of the department of corrections, who has
18 reason to believe that any individual confined in the secured juvenile correctional
19 facility, or secured child caring institution, or secured group home residential care
20 center for children and youth, in his or her opinion, is mentally ill, drug dependent,
21 or developmentally disabled has a mental illness, drug dependency, or
22 developmental disability and is dangerous as described in s. 51.20 (1) (a) 2., or is an
23 alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written
24 report with the superintendent of the secured juvenile correctional facility, or
25 secured child caring institution, or secured group home residential care center for

has a mental illness, drug dependency, or developmental disability

1 children and youth, stating the nature and basis of the belief. If the superintendent,
2 upon review of the allegations in the report, determines that transfer is appropriate,
3 he or she shall file a petition according to s. 51.20 or 51.45 in the court assigned to
4 exercise jurisdiction under ch. 48 chs. 48 and 938 of the county where the secured
5 juvenile correctional facility, or secured ~~child caring institution, or secured group~~
6 ~~home~~ residential care center for children and youth is located. The court shall hold
7 a hearing according to procedures provided in s. 51.20 or 51.45 (13).

8 **SECTION 38.** 51.35 (3) (e) and (g) of the statutes are amended to read:

9 51.35 (3) (e) The department of corrections may authorize emergency transfer
10 of an individual from a secured juvenile correctional facility, or a secured ~~child caring~~
11 ~~institution, or a secured group home~~ residential care center for children and youth
12 to a state treatment facility if there is cause to believe that the individual is ~~mentally~~ has a mental illness
13 ~~ill, drug dependent, or developmentally disabled,~~ and exhibits conduct which that
14 constitutes a danger as described under s. 51.20 (1) (a) 2. a., b., c. ^① or d. to the
15 individual or to others, ~~is mentally ill,~~ is dangerous, and satisfies the standard under
16 s. 51.20 (1) (a) 2. e. ^② or is an alcoholic and is dangerous as provided in s. 51.45 (13) (a)
17 1. and 2. The custodian of the sending secured juvenile correctional facility, or
18 secured ~~child caring institution or secured group home~~ residential care center for
19 children and youth shall execute a statement of emergency detention or petition for
20 emergency commitment for the individual and deliver it to the receiving state
21 treatment facility. The department of health and family services shall file the
22 statement or petition with the court within 24 hours after the subject individual is
23 received for detention or commitment. The statement or petition shall conform to s.
24 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made, the director
25 of the receiving facility may file a petition for continued commitment under s. 51.20

1 (1) or 51.45 (13) or may return the individual to the secured juvenile correctional
2 facility, or secured ~~child-caring institution or secured group home~~ residential care
3 center for children and youth from which the transfer was made. As an alternative
4 to this procedure, the procedure provided in s. 51.15 or 51.45 (12) may be used, except
5 that no individual may be released without the approval of the court ~~which~~ directed
6 confinement in the secured juvenile correctional facility, or secured ~~child-caring~~
7 ~~institution or secured group home~~ residential care center for children and youth.

8 (g) A minor 14 years of age or older who is transferred to a treatment facility
9 under par. (a) for the purpose of receiving services for developmental disability or
10 psychiatric services may request in writing a return to the secured juvenile
11 correctional facility, or secured ~~child-caring institution, or secured group home~~
12 residential care center for children and youth. In the case of a minor 14 years of age
13 or older who is transferred to a treatment facility under par. (a) for the purpose of
14 receiving services for alcoholism or drug dependency or a minor under 14 years of
15 age, who is transferred to a treatment facility under par. (a) for the purpose of
16 receiving services for developmental disability, alcoholism, or drug dependency, or
17 psychiatric services, the parent or guardian may make the request. Upon receipt of
18 a request for return from a minor 14 years of age or older, the director shall
19 immediately notify the minor's parent or guardian. The minor shall be returned to
20 the secured juvenile correctional facility, or secured ~~child-caring institution, or~~
21 ~~secured group home~~ residential care center for children and youth within 48 hours
22 after submission of the request unless a petition or statement is filed for emergency
23 detention, emergency commitment, involuntary commitment, or protective
24 placement.

25 SECTION 39. 59.24 of the statutes is amended to read:

in which
1 **59.24 Clerks of counties containing state institutions to make claims**
2 **in certain cases.** The clerk of any county which is entitled to reimbursement under
3 s. 16.51 (7) shall make a certified claim against the state, without direction from the
4 board, in all cases where the reimbursement is directed in s. 16.51 (7), upon forms
5 prescribed by the department of administration. The forms shall contain
6 information required by the clerk and shall be filed annually with the department
7 of corrections on or before June 1. If the claims are approved by the department of
8 corrections, they shall be certified to the department of administration and paid from
9 the appropriation made by s. 20.410 (1) (c), if the claim is for reimbursement of
10 expenses involving a prisoner in a state prison named in s. 302.01, or from the
11 appropriation under s. 20.410 (3) (c), if the claim is for reimbursement of expenses
12 involving a juvenile in a secured juvenile correctional facility, as defined in s. 938.02
13 (15m) (10p). that

14 **SECTION 40.** 77.52 (2) (a) 10. of the statutes is amended to read:

15 77.52 (2) (a) 10. Except for installing or applying tangible personal property
16 which, when installed or applied, will constitute an addition or capital improvement
17 of real property, the repair, service, alteration, fitting, cleaning, painting, coating,
18 towing, inspection, and maintenance of all items of tangible personal property
19 unless, at the time of such that repair, service, alteration, fitting, cleaning, painting,
20 coating, towing, inspection, or maintenance, a sale in this state of the type of property
21 repaired, serviced, altered, fitted, cleaned, painted, coated, towed, inspected, or
22 maintained would have been exempt to the customer from sales taxation under this
23 subchapter, other than the exempt sale of a motor vehicle or truck body to a
24 nonresident under s. 77.54 (5) (a) and other than nontaxable sales under s. 77.51
25 (14r). For purposes of this paragraph, the following items shall be considered to have

1 retained their character as tangible personal property, regardless of the extent to
2 which any such item is fastened to, connected with, or built into real property:
3 furnaces, boilers, stoves, ovens, including associated hoods and exhaust systems,
4 heaters, air conditioners, humidifiers, dehumidifiers, refrigerators, coolers, freezers,
5 water pumps, water heaters, water conditioners and softeners, clothes washers,
6 clothes dryers, dishwashers, garbage disposal units, radios and radio antennas,
7 incinerators, television receivers and antennas, record players, tape players,
8 jukeboxes, vacuum cleaners, furniture and furnishings, carpeting and rugs,
9 bathroom fixtures, sinks, awnings, blinds, gas and electric logs, heat lamps,
10 electronic dust collectors, grills and rotisseries, bar equipment, intercoms,
11 recreational, sporting, gymnasium and athletic goods and equipment including by
12 way of illustration but not of limitation bowling alleys, golf practice equipment, pool
13 tables, punching bags, ski tows, and swimming pools; equipment in offices, business
14 facilities, schools, and hospitals but not in residential facilities including personal
15 residences, apartments, long-term care facilities, as defined under s. 16.009 (1) (em),
16 state institutions, as defined under s. 101.123 (1) (i), Type 1 secured juvenile
17 correctional facilities, as defined in s. 938.02 (19), or similar facilities including, by
18 way of illustration but not of limitation, lamps, chandeliers, and fans, venetian
19 blinds, canvas awnings, office and business machines, ice and milk dispensers,
20 beverage-making equipment, vending machines, soda fountains, steam warmers
21 and tables, compressors, condensing units and evaporative condensers, pneumatic
22 conveying systems; laundry, dry cleaning, and pressing machines, power tools,
23 burglar alarm and fire alarm fixtures, electric clocks and electric signs. “Service”
24 does not include services performed by veterinarians. The tax imposed under this
25 subsection applies to the repair, service, alteration, fitting, cleaning, painting,

1 coating, towing, inspection, or maintenance of items listed in this subdivision,
2 regardless of whether the installation or application of tangible personal property
3 related to the items is an addition to or a capital improvement of real property, except
4 that the tax imposed under this subsection does not apply to the original installation
5 or the complete replacement of an item listed in this subdivision, if ^{that} such installation
6 or replacement is a real property construction activity under s. 77.51 (2).

7 **SECTION 41.** 101.123 (1) (bg) of the statutes is amended to read:

8 101.123 (1) (bg) "Jail" means a county jail, rehabilitation facility established
9 by s. 59.53 (8), county house of correction under s. 303.16, or secure juvenile detention
10 facility, as defined in s. 48.02 (16) (10m).

11 **SECTION 42.** 101.123 (1) (j), (2) (br), (3) (gg) and (4) (a) 2. of the statutes are
12 amended to read:

13 101.123 (1) (j) "Type 1 secured juvenile correctional facility" has the meaning
14 given in s. 938.02 (19).

15 (2) (br) Notwithstanding par. (a) and sub. (3), no person may smoke in any
16 enclosed, indoor area of a Type 1 secured juvenile correctional facility or on the
17 grounds of a Type 1 secured juvenile correctional facility.

18 (3) (gg) A Type 2 secured juvenile correctional facility, as defined in s. 938.02
19 (20).

20 (4) (a) 2. A person in charge or his or her agent may not designate an entire
21 building as a smoking area or designate any smoking areas in the state capitol
22 building, in the immediate vicinity of the state capitol, in a Type 1 secured juvenile
23 correctional facility, on the grounds of a Type 1 secured juvenile correctional facility,
24 in a motor bus, hospital, or physician's office or on the premises, indoors or outdoors,
25 of a day care center when children who are receiving day care services are present,

1 in a residence hall or dormitory that is owned or operated by the Board of Regents
2 of the University of Wisconsin System, or in any location that is 25 feet or less from
3 such a residence hall or dormitory, except that in a hospital or a unit of a hospital that
4 has as its primary purpose the care and treatment of mental illness, alcoholism, or
5 drug abuse a person in charge or his or her agent may designate one or more enclosed
6 rooms with outside ventilation as smoking areas for the use of adult patients who
7 have the written permission of a physician. Subject to this subdivision and sub. (3)
8 (b), a person in charge or his or her agent may not designate an entire room as a
9 smoking area.

10 **SECTION 43.** 115.31 (1) (b) of the statutes is amended to read:

11 115.31 (1) (b) “Educational agency” means a school district, cooperative
12 educational service agency, state correctional institution under s. 302.01, ~~secured~~
13 ~~juvenile~~ correctional facility, as defined in s. 938.02 (15m) (10p), ~~secured child-caring~~
14 ~~institution~~ residential care center for children and youth, as defined in s. 938.02
15 (15g), the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin
16 Educational Services Program for the Deaf and Hard of Hearing, the Mendota
17 Mental Health Institute, the Winnebago Mental Health Institute, a state center for
18 the developmentally disabled, a private school, or a private, nonprofit, nonsectarian
19 agency under contract with a school board under s. 118.153 (3) (c).

20 **SECTION 44.** 115.76 (10) of the statutes is amended to read:

21 115.76 (10) “Local educational agency”, except as otherwise provided, means
22 the school district in which the child with a disability resides, the department of
23 health and family services if the child with a disability resides in an institution or
24 facility operated by the department of health and family services, or the department
25 of corrections if the child with a disability resides in a Type 1 ~~secured juvenile~~

1 correctional facility, as defined in s. 938.02 (19), or a Type 1 prison, as defined in s.
2 301.01 (5).

3 **SECTION 45.** 115.81 (1) (b) of the statutes is amended to read:

4 115.81 (1) (b) "Responsible local educational agency" means the local
5 educational agency that was responsible for providing a free, appropriate public
6 education to the child before the placement of the child in a residential care center
7 for children and youth except that if the child resided in an institution or facility
8 operated by the department of health and family services, a Type 1-secured juvenile
9 correctional facility, as defined in s. 938.02 (19), or a Type 1 prison, as defined in s.
10 301.01 (5), before the placement of the child in a residential care center for children
11 and youth, "responsible local educational agency" means the school district in which
12 the residential care center for children and youth is located.

13 **SECTION 46.** 118.125 (1) (a) of the statutes is amended to read:

14 118.125 (1) (a) "Behavioral records" means those pupil records ^{which} include
15 psychological tests, personality evaluations, records of conversations, any written
16 statement relating specifically to an individual pupil's behavior, tests relating
17 specifically to achievement or measurement of ability, the pupil's physical health
18 records other than his or her immunization records or any lead screening records
19 required under s. 254.162, law enforcement officers' records obtained under s. 48.396
20 (1) or 938.396 (1) ~~or (1m)~~ (b) 2. or (c) 3., and any other pupil records that are not
21 progress records.

22 **SECTION 47.** 118.125 (2) (cg) of the statutes is amended to read:

23 118.125 (2) (cg) The school district clerk or his or her designee shall provide a
24 law enforcement agency with a copy of a pupil's attendance record if the law
25 enforcement agency certifies in writing that the pupil is under investigation for

1 truancy or for allegedly committing a criminal or delinquent act and that the law
2 enforcement agency will not further disclose the pupil's attendance record except as
3 permitted under s. 938.396 (1) ~~to (1x)~~ (a). A school district clerk or designee who
4 discloses a copy of a pupil's attendance record to a law enforcement agency for
5 purposes of a truancy investigation shall notify the pupil's parent or guardian of that
6 disclosure as soon as practicable after that disclosure.

7 **SECTION 48.** 118.125 (2) (d) of the statutes is amended to read:

8 118.125 (2) (d) Pupil records shall be made available to persons employed by
9 the school district which the pupil attends who are required by the department under
10 s. 115.28 (7) to hold a license and other school district officials who have been
11 determined by the school board to have legitimate educational interests, including
12 safety interests, in the pupil records. Law enforcement officers' records obtained
13 under s. 938.396 ~~(1m)~~ (1)(c) 3. shall be made available as provided in s. 118.127 (2).
14 A school board member or an employee of a school district may not be held personally
15 liable for any damages caused by the nondisclosure of any information specified in
16 this paragraph unless the member or employee acted with actual malice in failing
17 to disclose the information. A school district may not be held liable for any damages
18 caused by the nondisclosure of any information specified in this paragraph unless
19 the school district or its agent acted with gross negligence or with reckless, wanton,
20 or intentional misconduct in failing to disclose the information.

21 **SECTION 49.** 118.125 (2) (e) of the statutes is amended to read:

22 118.125 (2) (e) Upon the written permission of an adult pupil, or the parent or
23 guardian of a minor pupil, the school shall make available to the person named in
24 the permission the pupil's progress records or such portions of the pupil's behavioral
25 records as determined by the person authorizing the release. Law enforcement

1 officers' records obtained under s. 48.396 (1) or 938.396 (1) ~~or (1m) (b) 2. or (c) 3.~~ may
2 not be made available under this paragraph unless specifically identified by the
3 adult pupil or by the parent or guardian of a minor pupil in the written permission.

4 **SECTION 50.** 118.125 (2) (L) of the statutes is amended to read:

5 118.125 (2) (L) A school board shall disclose the pupil records of a pupil in
6 compliance with a court order under s. 48.236 (4) (a), 48.345 (12) (b), 938.34 (7d) (b),
7 938.396 ~~(1m) (c) or (1) (d)~~, or 938.78 (2) (b) 2. after making a reasonable effort to notify
8 the pupil's parent or legal guardian. ✓

9 **SECTION 51.** 118.125 (3) of the statutes is amended to read:

10 118.125 (3) MAINTENANCE OF RECORDS. Each school board shall adopt rules in
11 writing specifying the content of pupil records and the time during which pupil
12 records shall be maintained. No behavioral records may be maintained for more than
13 one year after the pupil ceases to be enrolled in the school, unless the pupil specifies
14 in writing that his or her behavioral records may be maintained for a longer period.
15 A pupil's progress records shall be maintained for at least 5 years after the pupil
16 ceases to be enrolled in the school. A school board may maintain the records on
17 microfilm, on an optical disk, or in electronic format if authorized under s. 19.21 (4)
18 (c), or in such other form as the school board deems appropriate. A school board shall
19 maintain law enforcement officers' records obtained under s. 48.396 (1) or 938.396
20 (1) ~~or (1m) (b) 2. or (c) 3.~~ separately from a pupil's other pupil records. Rules adopted
21 under this subsection shall be published by the school board as a class 1 notice under
22 ch. 985.

23 **SECTION 52.** 118.125 (4) of the statutes is amended to read:

24 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
25 transfer to another school or school district all pupil records relating to a specific

1 pupil if the transferring school district has received written notice from the pupil if
2 he or she is an adult or his or her parent or guardian if the pupil is a minor that the
3 pupil intends to enroll in the other school or school district or written notice from the
4 other school or school district that the pupil has enrolled or from a court that the pupil
5 has been placed in a secured juvenile correctional facility, as defined in s. 938.02
6 ~~(15m), (10p)~~ or a secured child-caring institution residential care center for children
7 and youth, as defined in s. 938.02 (15g), ~~or a secured group home, as defined in s.~~
8 ~~938.02 (15p).~~ In this subsection, “school” and “school district” include any secured
9 juvenile correctional facility, secured child-caring institution, ~~secured group home~~
10 residential care center for children and youth, adult correctional institution, mental
11 health institute, or center for the developmentally disabled, that provides an
12 educational program for its residents instead of or in addition to that which is
13 provided by public and private schools.

14 **SECTION 53.** 118.125 (5) (b) of the statutes is amended to read:

15 118.125 (5) (b) Law enforcement officers’ records obtained under s. 48.396 (1)
16 or 938.396 (1) ~~or (1m), (b) 2. or (c) 3. and~~ records of the court assigned to exercise
17 jurisdiction under chs. 48 and 938 ~~obtained under s. 938.396 (7) (a), (am), (ar), (b),~~
18 ~~or (bm), and records~~ or of a municipal court obtained under s. 938.396 (7) ~~(ar)~~ (2g) (m)
19 may not be used by a school district as the sole basis for expelling or suspending a
20 pupil or as the sole basis for taking any other disciplinary action, including action
21 under the school district’s athletic code, against a pupil.

22 **SECTION 54.** 118.125 (7) of the statutes is amended to read:

23 118.125 (7) DISCLOSURE OF LAW ENFORCEMENT UNIT RECORDS. A school board shall
24 treat law enforcement unit records of juveniles in the same manner as a law

1 enforcement agency is required to treat law enforcement officers' records of juveniles
2 under s. 938.396 (1) ~~to (1x) and (5) (a).~~

3 **SECTION 55.** 118.127 (1) of the statutes is amended to read:

4 118.127 (1) Upon receipt of information from a law enforcement agency under
5 s. 48.396 (1) or 938.396 (1) ~~or (1m) (b) 2. or (c) 3.~~, the school district administrator or
6 private school administrator who receives the information shall notify any pupil
7 named in the information, and the parent or guardian of any minor pupil named in
8 the information, of the information.

9 **SECTION 56.** 118.127 (2) of the statutes is amended to read:

10 118.127 (2) A school district or private school may disclose information from
11 law enforcement officers' records obtained under s. 938.396 ~~(1m) (1) (c) 3.~~ only to
12 persons employed by the school district who are required by the department under
13 s. 115.28 (7) to hold a license, to persons employed by the private school as teachers,
14 and to other school district or private school officials who have been determined by
15 the school board or governing body of the private school to have legitimate
16 educational interests, including safety interests, in that information. In addition, if
17 that information relates to a pupil of the school district or private school, the school
18 district or private school may also disclose that information to those employees of the
19 school district or private school who have been designated by the school board or
20 governing body of the private school to receive that information for the purpose of
21 providing treatment programs for pupils enrolled in the school district or private
22 school. A school district may not use law enforcement officers' records obtained
23 under s. 938.396 ~~(1m) (1) (c) 3.~~ as the sole basis for expelling or suspending a pupil
24 or as the sole basis for taking any other disciplinary action, including action under
25 the school district's athletic code, against a pupil.